THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 11784 of 2005

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Dated:22.09.2005

Between:

Subbanaidu Subbaraju, S/o. Subba Naidu,
R/o. No. D.No. 13/241, Ground Floor,
Mutharajuvari Street, Nellore District.

..... PETITIONER

AND

The Superintendent of Police,
Nellore District , Nellore, and others.

.....RESPONDENTS

ORDER:

This writ petition is filed seeking a writ of Mandamus directing respondents 2 and 3 not to interfere with the civil disputes, which exist *inter se,* between the petitioner and respondents 4 to 7.

It is the case of the petitioner that he is a tenant in the premises owned by respondents 4 to 7, and they are insisting to vacate the premises. It is stated that when the petitioner obtained interim injunction orders, respondents 4 to 7 are interfering with the possession of the petitioner by taking assistance of the police.

A counter affidavit is filed on behalf of respondents 1 to 3. In the counter affidavit it is stated that one Poluru Anandamma has filed a complaint against the petitioner and four others. A case in Crime No.114/2005 was registered on 20.05.2005 against petitioner and others for the alleged offence under Section 324 read with Section 34 of the Indian Penal Code, 1860, and under Section 3 (1)(x) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989. In that connection, five witnesses were examined, but no arrests

were made. However, in the same counter affidavit, respondents 1 to 3 denied their interference with the petitioner's possession with regard to premises in his occupation, which is claimed by the petitioner by virtue of tenancy from respondents 4 to 7.

Having regard to the stand of the respondents, I dispose of the writ petition directing respondents 1 to 3 not to interfere with the possession of the petitioner with regard to the premises, which is obtained by him from respondents 4 to 7 as a tenant. However, it is made clear, if any complaint is made by the third party, it is open to respondents 1 to 3 to investigate and take appropriate steps in the matter.

Subject to the above direction, the writ petition is disposed of. There shall be no order as to costs.

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(R.SUBHASH REDDY, J)

22.09.2005

vs